IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

MISC. CIVIL APPLICATION NO.56 OF 2007

Mrs.Sushama Rahul Chilwant : Applicant

V/s.

Mr.Rahul Sadhu Chilwant : Respondent

...

Mr.Anurag Jain for the applicant.

None present for the respondent.

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CORAM : S.A.BOBDE, J.

DATE : OCTOBER 04, 2007.

P.C.

1. This is an application for transfer of the proceedings for divorce filed by the respondent-husband before the Civil Judge, Senior Division, Osmanabad, for being heard at Pune along with the petition for restitution filed by the applicant-wife.

2. Both the parties do not have any substantial income. The wife who appears to be staying at Pune has virtually no source of income and the respondent-husband, who is at Osmanabad, appears to have some agricultural property and is engaged as a labourer at Osmanabad. It, however, appears from paragraphs 2.6 and 2.7 that the respondent-husband had started residing in Pune for

sometime. These facts are not controverted. Though the respondent is served, he has not entered appearance in this Court.

3. Having regard to the circumstances of the case, it would be appropriate in the interest of justice to transfer the proceedings at Osmanabad for being tried at Pune along with the applicant’s petition for restitution of conjugal rights.

4. Accordingly, this application is allowed in terms of prayer clause (a) which reads as under:-

> "a. This Hon’ble Court by virtue of appropriate directions or orders may be pleased to transfer the matrimonial proceeding H.M.P. No.10 of 2007 from the file of the learned Civil Judge Senior Division, Osmanabad to the file of the Learned Family Court, Pune."

S.A. BOBDE, J.